

**From:** Smith, Justin (SHB)  
**To:** CENAN-OC NAN02  
**Cc:** Lemon, Kathie (SHB)  
**Subject:** [EXTERNAL] FOIA Request -- Diamond Alkali Superfund Site  
**Date:** Monday, June 29, 2015 6:51:52 PM

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United States Army Corps of Engineers

Attn: FOIA Officer

New York District

CENAN-OC

26 Federal Plaza

New York, New York 10278-0090

Email: foia-nan@usace.army.mil <<mailto:foia-nwk@usace.army.mil>>

Re: Freedom of Information Act Request, 5 U.S.C. § 552 et seq.

Dear FOIA Officer:

This document request is submitted pursuant to the Freedom of Information Act, 5 U.S.C. § 552 et seq. This request concerns the United States Army Corps of Engineers, New York District's files relating to the Diamond Alkali Superfund Site, which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area ("LPRSA"), and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

This request seeks the following information be copied and provided to me by electronic means (preferred) or by mail.

1. All documents and communications relating to the development of the LPRSA Focused Feasibility Study ("FFS"), including but not limited to the 2007 draft FFS, the 2014 final FFS and proposed plan, any proposed or actual modifications to the 2014 FFS and proposed plan, and any other related reports.
2. All documents and communications regarding reaction to public comments submitted on the 2014 FFS and proposed plan, including but not limited to internal correspondence, meeting notes, document markups, or comments provided to another government agency.
3. All documents and communications relating to the LPRSA Remedial Investigation / Feasibility Study, including but not limited to internal correspondence, meeting notes, document markups, or comments provided to another government agency.
4. All documents and communications relating to past, present, or future dredging in the LPRSA.

5. All documents and communications relating to ecological risk assessment or human health risk assessment in the LPRSA.
6. All documents and communications relating to EPA's conceptual site model for the LPRSA.
7. All documents and communications regarding a confined aquatic disposal or confined disposal facility remedial option for the LPRSA.
8. All documents and communications regarding meetings or conversations with the Cooperating Parties Group, or any of its members, agents, attorneys, or consultants relating to the LPRSA.
9. All documents and communications sent to or received from Occidental Chemical Corporation (OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company, or any of their employees, agents, attorneys, or consultants relating to the LPRSA.
10. All documents and communications regarding meetings or conversations with Occidental Chemical Corporation (OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company, or any of their employees, agents, attorneys, or consultants relating to the LPRSA.
11. All communications and records of meetings regarding the LPRSA with any other governmental agency, including the United States Environmental Protection Agency, the United States Army Corps of Engineers, the State of New Jersey, the New Jersey Department of Environmental Protection, the National Oceanic and Atmospheric Administration, or the United States Fish and Wildlife Service.
12. All communications and records of meetings regarding the LPRSA with the Passaic River Community Advisory Group ("CAG") or individual members of the CAG.
13. All communications and records of meetings regarding the LPRSA with a federal, state, or local elected official or his or her staff.
14. All documents and communications regarding conversations, meetings, or planned or completed outreach with a federal, state, or local elected official or his or her staff relating to the LPRSA.
15. All communications and records of meetings regarding the LPRSA with the Sierra Club, the Passaic River Coalition, The Gateway Group, or any other non-governmental group or organization.

16. All communications and records of meetings regarding the LPRSA with a member of the press, including but not limited to print, radio, television, and Internet reporters or bloggers.

17. All documents and communications sent to or received from Judith Enck, Catherine McCabe, Mathy Stanislaus, James Woolford, Becky Clark, Pam Barr, Betsy Southerland, Steve Ells, Walter Mugdan, George Pavlou, Stephanie Vaughn, Ray Basso, Alice Yeh, Elizabeth Butler, Eugenia Naranjo, Tom Taccone, Jennifer LaPoma, Eric Stern, David Kluesner, Marian Olsen, Mark Greenberg, Chuck Nace, Alan Steinberg, Lisa Jackson, Kathleen Callahan, Lisa Baron, Peter Weppeler, Beth Buckrucker, Beth Franklin, Joe Seebode, Todd Bridges, Scott Nicholson, Robert Engler, Col. Paul Owen, Col. John R. Boulé II, Tim Kubiak, Clay Stern, Reyhan Mehan, Jay Fields, Scott Douglass, or Elkins Green relating to the LPRSA.

18. All documents and communications regarding the LPRSA with the National Remedy Review Board or the Contaminated Sediments Technical Advisory Group.

19. All documents and communications that evaluate, discuss, or otherwise concern the possible effect on Passaic River bridges by implementation of a proposed or actual remedial option in the LPRSA.

20. All documents and communications that evaluate, discuss, or otherwise concern the possible effect on vehicular, rail, boat, or other traffic by implementation of a proposed or actual remedial option in the LPRSA.

21. All documents and communications regarding journal articles or other publications authored, or presentations given, by Anthony Wolfskill, Brent Finley, Carol Dinkins, David Rabbe, Dennis Paustenbach, Richard Wenning, Rick McNutt, Steven Huntley, or Timothy Iannuzzi.

22. All documents and communications regarding Occidental Chemical Corporation (OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company as a potentially responsible party in the LPRSA.

23. All documents and communications regarding hazardous substances discharged by the 80 and 120 Lister Avenue facility to the LPRSA.

24. All documents and communications regarding the 80 and 120 Lister Avenue facility as a source of alleged contamination in the LPRSA.

25. All documents and communications regarding enforcement actions, notices of violation, directives, notice letters, administrative orders, decrees, or settlement agreements involving Occidental Chemical Corporation

(OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company relating to the Diamond Alkali Superfund Site.

26. All documents and communications regarding the need for early action, interim remedial measures, or source control in the LPRSA.

27. All documents and communications regarding the Passaic River Restoration Initiative.

28. All documents and communications regarding the development of the April 20, 1994 Administrative Order on Consent, Index No. II-CERCLA-0117, in the matter of the Diamond Alkali Superfund Site, Passaic River Study Area, signed by Occidental Chemical Corporation.

29. All documents and communications regarding the development of the 2004 Section 122(h) Agreement, CERCLA Docket No. 02-2004-2011, in the matter of the Lower Passaic River Study Area of the Diamond Alkali Superfund Site, signed by the parties set forth on Appendix A of the Agreement.

30. All documents and communications regarding the Unilateral Administrative Order for Removal Response Activities, CERCLA Docket No. 02-2012-2020, in the matter of the Lower Passaic River Study Area Portion of the Diamond Alkali Superfund Site, issued to Occidental Chemical Corporation on June 25, 2012.

Your prompt attention to this matter is greatly appreciated. Please contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will take responsibility for any necessary copying and/or shipping charges.

I look forward to receiving your response. Thank you for your anticipated cooperation.

Sincerely,

Justin D. Smith

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Mail Gate made the following annotations on Mon Jun 29 2015 17:51:36

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